

Serial No. 10/613,165  
Amendment dated April 26, 2005  
Reply to Office Action of March 22, 2005

### REMARKS

In the paper, Applicant has amended claims 8-10 and 13 and canceled claims 14-15. Claims 1-13 and 16-19 are pending. Reconsideration of this application, as amended, is requested.

Claims 1-9 were indicated as allowed. Claims 8 and 9 are amended herein to properly direct the claims to the assembly being claimed, rather than the items being vended by the assembly. Claims 8 and 9 are still allowable, in view of the amendments.

Claim 10 has been amended to define that the two items being vended have different diameters.

Claim 13 has been amended to include the subject matter of claims 14 and 15 (claim 15 have been indicated as allowable). Claim 13 has also been amended to clarify that the product queue is oriented generally horizontally; that is, the vend queue is not a vertical column of items. Additionally, claim 13 has been amended to better clarify the connected between the pairs of item retainers.

### 102 Rejections

Claims 10, 12, 13 and 18 were rejected under 35 U.S.C. 102(b) as anticipated by Rakucewicz. Applicant disagrees.

As stated above, claim 10 has been amended to define that the two items being vended have different diameters. There is no disclosure, or suggestion, in Rakucewicz of vending two differently sized items.

Rakucewicz discloses a vending apparatus that has the items arranged in vertical columns, with the lowest product per column being vended first, by gravity. A cradle is formed by four cam pairs, two positioned below the item to be vended (at the front and back of the item) and two above the item to be vended (at the front and back of the item). The item is fed through the bottom, from alternating columns, when the cams are rotated. The four cam pairs are driven simultaneously yet are rotationally offset. Using incremental cam rotations, the product drops between the cams when the space between the cams allows it.

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There is no disclosure or suggestion in the disclosure, including the figures, of Rakucewicz that the cam configuration disclosed would allow for vending of different sized items from the same column. At least for these reasons, claims 10 and 12 are not anticipated by Rakucewicz, and withdrawal of the rejection is requested.

As stated above, claim 13 has been amended has been amended to include the subject matter of claims 14 and 15 (claim 15 have been indicated as allowable). Applicant contends that claim 13 is allowable and withdrawal of the rejection is requested.

Claims 10, 12, 13, 14 and 18 were rejected under 35 U.S.C. 102(b) as anticipated by Feltrin. Applicant disagrees.

As stated above, claim 10 has been amended to define that the two items being vended have different diameters. There is no disclosure, or suggestion, in Feltrin of vending two differently sized items.

Feltrin discloses a vending apparatus that has the items arranged in offset vertical columns, with the lowest product per column being vended first, by gravity. The apparatus has pairs of rockers, one pair at the right wall of the vertical product column and one pair at the left wall of the vertical product column. The product is delivered (dropped) through either the left wall or the right wall. Rotation of a cam results in oscillation of the rockers such that the left side of the product column is blocked with the right side open for product delivery, or vice versa.

There is no disclosure or suggestion in the disclosure, including the figures, of Feltrin that the cam configuration disclosed would allow for vending of different sized items from the same column. At least for these reasons, claims 10 and 12 are not anticipated by Feltrin, and withdrawal of the rejection is requested.

As stated above, claim 13 has been amended has been amended to include the subject matter of claims 14 and 15 (claim 15 have been indicated as allowable). Applicant contends that claim 13 is allowable and withdrawal of the rejection is requested.

### 103 Rejections

Claims 10-13 and 16-18 were rejected under 35 U.S.C. 103(a) as unpatentable over Sorensen et al. in view of Rakucewicz. Applicant disagrees.

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Sorensen et al. discloses apparatus and methods for vending products, which can have varied shapes and sizes. There is no disclosure or suggestion, however, that the varied shaped and sized products are from the same vend queue. There is no suggestion in Rakucewicz of that the cam configuration disclosed would allow for vending of different sized items from the same column

As stated above, claim 10 has been amended to define that the two items being vended have different diameters. There is no suggestion, in Sorensen et al., Rakucewicz, or their combination, of vending two differently sized items from the same vend queue. At least for this reason, claims 10-12 are not obvious over Sorensen et al., Rakucewicz, or their combination, and withdrawal of the rejection is requested.

As stated above, claim 13 has been amended has been amended to include the subject matter of claims 14 and 15 (claim 15 have been indicated as allowable). Applicant contends that claims 13 and 16-18 are allowable and withdrawal of the rejection is requested.

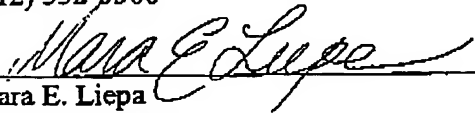
#### SUMMARY

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: April 26, 2005

  
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